THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 18737 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 23.3.2007 passed by the A.P. Administrative Tribunal in O.A. No. 84 of 2007.

The case of the petitioners is that the respondent was initially appointed as Prohibition & Excise Constable and later he was promoted as Prohibition and Excise Head Constable and as such he is not entitled for the benefit of G.O.Ms.No. 225 dated 18.5.1999. In support, the learned Government Pleader for Services-II appearing for the petitioners placed before this Court the decision of a Full Bench of this Court in Govt. of A.P. v. M. Venkateswarlu[1] wherein the Full Bench held that the 1st proviso to the ad hoc Rule notified in G.O.Ms.No. 225 dated 18.5.1999, restricting the benefit of exemption only to those not promoted even once after their initial appointment in public service, applies to selection and non-selection posts. It is further stated by the learned Government Pleader that the issue involved in this case is also similar to that of the issue involved in Govt. of A.P. v. M. Venkateswarlu (referred (1) supra) which been decided by the Full Bench on 18.7.2007. It is also stated by the learned Government Pleader that following the said Full Bench decision this Court passed similar orders in W.P. 7340 of 2007 dated 1.11.2007.

Record shows that the respondent was served with the notice, but none appeared nor there is any representation on behalf of the respondent.

A perusal of the material available before this Court discloses that the respondent has got promotion as Prohibition and Excise Head Constable on 16.8.1989. Having regard to the said fact and also having regard to the fact that this writ petition is covered by the decision of a Full Bench of this Court in Govt. of A.P. v. M. Venkateswarlu (referred (1) supra), this writ petition is required to be disposed of in terms of the orders passed by the Full Bench of this Court in Govt. of A.P. v. M. Venkateswarlu (referred (1) supra).

The impugned order passed by the Tribunal is, therefore, set aside and the writ petition is accordingly disposed of remanding the matter to the Tribunal for adjudication afresh in accordance with law in terms of the orders passed by the Full Bench of this Court in Govt. of A.P. v. M. Venkateswarlu (referred (1) supra).

T. MEENA

KUMARI, J.

G. CHANDRAIAH, J.

Date: 06-11-2007.

MVB.

---

[1] 2007(5) ALT 129 (F.B)